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7	The Blue Oak Charitable Fund, a California non-profit public benefit corporation	
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN FRANCISCO DIVISION	
11		
12	MARY A. BOTTOMS, trustee for the CASE NO. C-05-304	

CASE NO. C-05-3045 SI

JOINT APPLICATION AND STIPULATION TO AMEND THE PRETRIAL PREPARATION ORDER

AS AMENDED

Bottoms Family 1989 Trust; and THE BLUE OAK CHARITABLE FUND, a California non-profit public benefit corporation,

Plaintiffs,

VS.

ATKN COMPANY OF CALIFORNIA, f/k/a Guy F. Atkinson Company of California; ATKN COMPANY, a Nevada corporation, f/k/a/ Guy F. Atkinson Company,

Defendants.

The parties to this action jointly stipulate and apply for a change in the Pretrial Preparation Order to change the dates for various benchmarks in the progress of this action.

The reasons for this request are as follows:

(1) This is an environmental damage case that concerns events from more than 10 years ago. The defendant in this action - ATKN -- is defunct. That is, it is being or has been liquidated in bankruptcy. Most of the employees are gone; the documents are in storage. Conducting discovery has been a slow process for both parties, but obtaining relevant documentation from {S:\BOTTWI\0001\PLD\511690.DOC} C-05-3045 SI

> JOINT APPLICATION AND STIPULATION TO AMEND THE PRETRIAL PREPARATION ORDER

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defendant is unusually time consuming. It requires identifying potentially relevant documents from cryptic document storage lists, retrieving the documents, reviewing the documents. It will then require time to find the people who are knowledgeable about the company's specific activities.

We are proceeding apace – identifying and reviewing documents, etc. but our actual experience shows that this has gone slower than anticipated. The time it has taken to conduct discovery leads us to recognize that the current discovery cut off date is unrealistic.

Unfortunately, *neither* party has completed its discovery and neither is in a position to stop conducting discovery as of July 2, 2007. If we had to close discovery at this point in time, it would prejudice both parties.

It would also interfere with our ability to sensibly settle the case. We have already conducted one mediation session and we are endeavoring to collect additional information in advance of another, perhaps extended, session. But this will not be reasonably possible under the current discovery cut off schedule. To put this another way, extending the discovery cut off will make settlement far more likely.

(2) In contemplating a new discovery cut off date and a new trial date, we have tried to take into account the trial schedule of counsel. Counsel already have trials set for August, 2008. Accordingly, we are requesting that the new schedule for this case aim for a trial in October, 2008.

We have meet and conferred and we believe that this would be an achievable and efficient schedule for this case:

NON	EXPERT DISCOVERY CUT OFF:	January 30, 2008
DES	IGNATION OF EXPERTS:	February 29, 2008
DES	IGNATION OF REBUTTAL EXPERTS	March 21, 2008
EXP	ERT DISCOVERY CUTOFF	April 18, 2008
DISP	OSITIVE MOTIONS FILED BY:	May, 23, 2008
	OPPOSITION DUE	June 6, 2008
	REPLY DUE	June 13, 2008

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September 29, 2008

We respectfully request that the Court issue a new Pretrial Preparation Order reflecting

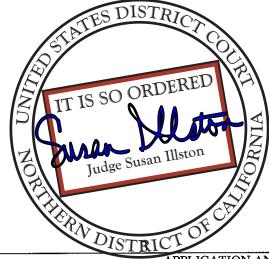
LELAND, PARACHINI, STEINBERG,

Attorneys for Mary A. Bottoms, trustee of the Bottom Family 1989 Trust, and The Blue Oak Charitable Fund, a California non-profit

GOLDSBERRY, FREEMAN GUZMAN

s/Francis M. Goldsberry III

Francis M. Goldsberry III



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C-05-3045 SI

APPLICATION AND STIPULATION TO CONTINUE FURTHER CASE MANAGEMENT CONFERENCE